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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Foerster

Patent No.: 6,228,055

Serial No.: 08/858,389

Dated : 05/08/2001

Filed: 05/19/1997

Title : METHODS AND DEVICES FOR DEFINING AND MARKING TISSUE

DEFICIENCY PAYMENT IN ACCORDANCE WITH 37 CFR 1.28

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

Sir:

10/31/2007 DALLIN 00000040 08858389

01 FC:1461

820.00 OP

Small entity status was established in good faith in the above-referenced patent upon the filing of the application on May 19, 1997. However, an assignment was made November 14, 1997, changing the status of the above-referenced patent. As such, large entity fees are due for the period after November 14, 1997.

In accordance with 37 CFR 1.28(c) Patentee respectfully requests that the deficiency payment in the amount of \$1280.00 be accepted and that the status of the present patent be changed from small entity status to large entity status. With this in mind, Patentee submits separate itemized requirements as defined in 37 CFR 1.28(c)(1) and (c)(2).

With regard to 37 CFR 1.28(c)(2), the erroneously paid fees relate to the issue fee paid on March 14, 2001 and the four year maintenance fee paid on October 26, 2004. The issue fee was paid in the amount of \$620.00. As the large entity issue fee is currently \$1440.00, a deficiency payment in the amount of \$820.00 is due. The maintenance fee was paid in the amount of \$470.00. As the large entity

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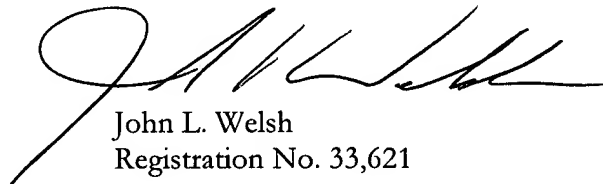
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460.00 OP

fee is currently \$930.00, a deficiency payment in the amount of \$460.00 is due. As such, Patentee encloses payment for the total deficiency in the amount of \$1280.00. An itemization of the deficiency payment as required in accordance with 37 CFR 1.28(c) is attached.

If additional fees are required, the Commissioner is authorized to charge the additional fees to Deposit Account 01-2221. If the Office has any questions, or if additional information is required, the Office is urged to contact the undersigned at (703) 920-1122.

Respectfully submitted,



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ITEMIZATION OF DEFICIENCY PAYMENT

- 1) Issue Fee (37 CFR 1.18(a))
 - a) Current Fee - \$1440.00
 - b) Fee Paid March 14, 2001 - \$620.00
 - c) Deficiency owed - \$820.00

- 2) Four Year Maintenance Fee (37 CFR 1.20(e))
 - d) Current Fee - \$930.00
 - e) Fee Paid October 26, 2004 - \$470.00
 - f) Deficiency owed - \$460.00

- 2) Total Deficiency Paid - \$1280.00

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